

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

CBF INDÚSTRIA DE GUSA S/A, DA TERRA  
SIDERÚRGICA LTDA, FERGUMAR - FERRO  
GUSA DO MARANHÃO LTDA, FERGUMINAS  
SIDERÚRGICA LTDA, GUSA NORDESTE S/A,  
SIDEPAR - SIDERÚRGICA DO PARÁ S/A, and  
SIDERÚRGICA UNIÃO S/A,

Plaintiffs,

-against-

AMCI HOLDINGS, INC., AMERICAN METALS &  
COAL INTERNATIONAL, INC., K-M  
INVESTMENT CORPORATION, PRIME CARBON  
GMBH, PRIMETRADE, INC., HANS MENDE, and  
FRITZ KUNDRUN,

Defendants.

Case No: 13 Civ. 2581 (PKC) (JLC)

**STIPULATION AND [PROPOSED] ORDER**

**WHEREAS**, the Court at the June 11, 2019 hearing ordered defendant Hans Mende ("Mende") and AMCI Holdings, Inc. ("AMCI Holdings") to file garnishee statements on or before June 14, 2019;

**WHEREAS**, the Parties disagree whether the garnishee statements filed by Mende and AMCI Holdings on June 14, 2019 satisfy their obligations under CPLR 6219, the Court's order of attachment dated May 14, 2019 (the "Attachment Order"), and the Court's further order set forth on the record of the June 11, 2019 hearing (the "Clarifying Order");

**WHEREAS**, the garnishee statements filed by Mende and AMCI Holdings on June 14, 2019, identify that each of them, individually, hold an interest in property in excess of \$24,206,731.08;

**WHEREAS**, Defendants further represent that Mende and AMCI Holdings each, individually, have an interest in property in an amount equal to or greater than \$48,413,462.16;

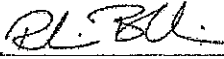

**WHEREAS**, based on the representations made herein, the parties agree that there is no immediate need for further relief from the Court with respect to the garnishee statements prior to a ruling on the pending motion to confirm;

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED:**

1. Plaintiffs agree not to seek relief from the Court with respect to the garnishee statements filed by AMCI Holdings and Mende prior to a ruling on Plaintiffs' motion to confirm the attachment order.
2. Plaintiffs' agreement to not seek further relief with regard to the garnishee statements filed by Mende or AMCI Holdings prior to a ruling on Plaintiffs' motion to confirm the attachment order does not constitute a waiver of any right to seek further relief from the Court with respect to the garnishee statements.
3. Any further motion or letter motion by Plaintiffs seeking further relief with respect to the garnishee statements, including but not limited to any motion to compel or for discovery pursuant to CPLR 6220, shall be deemed timely if made within one week after entry of order on Plaintiffs' motion to confirm.
4. The Parties expressly reserve all rights under the CPLR, the Attachment Order, and the Clarifying Order.
5. The obligation (if any) of the U.S. Marshal to file an inventory pursuant to CPLR 6218 is tolled until 15 days after final resolution of all issues concerning the garnishee statements.
6. Plaintiffs agree that the garnishees (other than Mende and AMCI Holdings) identified in Appendix A to Plaintiffs' Memorandum of Law in Support of Motion to Confirm Order of Prejudgment Attachment and for Injunctive Relief are relieved of their obligations under the Attachment Order.
7. Plaintiffs voluntarily dismiss, without prejudice, the request for injunctive relief set forth in their confirmation motion.
8. Plaintiffs will not use this stipulation for any purpose in connection with the merits of the case. For example, Plaintiffs shall not use this stipulation as evidence of alter ego liability, fraudulent transfer liability, fraud, or damages.

9. This stipulation does not constitute an admission of liability by AMCI Holdings or Mende.

Dated: June 14, 2019.

 Rishi Bhandari <b>MANDEL BHANDARI LLP</b> 80 Pine Street, 33rd Floor New York, NY 10005 Tel: (212) 269-5600 Fax: (646) 964-6667  Kevin P. Lucas <b>BUCHANAN INGERSOLL &amp; ROONEY</b> One Oxford Centre 301 Grant Street, 20th Floor Pittsburgh, PA 15219 T 412 562 8800 F 412 562 1041  <i>Attorneys for Defendants AMCI Holdings, Inc., American Metals &amp; Coal International, Inc., K-M Investment Corporation, Prime Carbon GMBH, Printettrade, Inc., Hans Mende, and Fritz Kundrun</i>	 Adam Grant <b>DAY PITNEY LLP</b> 7 Times Square New York, NY 10036 Tel: (212) 297 5803 Fax: (212) 499 4154  <i>Attorneys for Plaintiffs Plaintiffs CBF Indústria de Gusa S/A, Da Terra Siderúrgica LTDA, Fergumar – Ferro Gusa do Maranhão LTDA, Ferguminas Siderúrgica LTDA, Gusa Nordeste S/A, Sidepar – Siderúrgica do Pará S/A, and Siderúrgica União S/A</i>
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IT IS SO ORDERED

  
THE HON. P. KEVIN CASTEL

UNITED STATES DISTRICT JUDGE, SOUTHERN DISTRICT OF NEW YORK

DATED: